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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,216	05/02/2001	Robert J. Davies	GB000060	6420

24737 7590 11/24/2003

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BRIARCLIFF MANOR, NY 10510

EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
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2684

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DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,216

Applicant(s)

DAVIES, ROBERT J.

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 10-12, 14, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 4, 8, 9, 13, 16, 17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Siep et al (US 6,452,480).

Regarding claim 10, Siep teaches a master station (14) for use in a multicast radio network, comprising means to transmit a first command instructing a slave station (18) to adopt a first state wherein transmission of an acknowledgement message in response to receiving decodeable data is enabled and a second command instructing the slave station to adopt a second state wherein transmission of the acknowledgement message in response to receiving decodeable data is disabled (col. 6, line 4-19).

Regarding claim 11, Siep teaches means to transmit the first and second commands such that only one of a plurality of slave stations is in the first state (col. 6, lines 4-19)

Regarding claim 12, Siep teaches means to assess the quality of radio communication with each of the plurality of slave stations and means to command a slave station which has the lowest quality radio communication to be the only one of the plurality of slave stations in the first state (col. 6, lines 40-55).

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Regarding claim 18, Siep teaches an integrated circuit comprising the master station (see abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7, 14, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siep et al (US 6,452,480) in view of Needham et al (US 5,517,507).

Regarding claims 1, 5 and 14, Siep teaches a method of operating a multicast radio network including a master radio station and a plurality of slave radio stations, comprising transmitting data from a master station, receiving the data at each of the plurality of slave stations, at each slave station (col. 6, lines 4-19), determining whether the received data is decodeable or undecodeable (col. 6, lines 40-55). However, Siep fails to specifically disclose transmitting a negative acknowledgement if the received data is undecodeable, transmitting a positive acknowledgement if the received data is decodeable and the slave station is in a first state, transmitting no acknowledgement if the received data is decodeable and the slave station is in a second state, wherein only one of the plurality of slave stations is in the first state. However, in the same field of endeavor, Needham teaches transmitting a negative acknowledgement if the received data is undecodeable, transmitting a positive acknowledgement if the received data is decodeable and the slave station is in a first state, transmitting no acknowledgement if the

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received data is decodeable and the slave station is in a second state (col. 1, lines 31-47 and col. 2, lines 33-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Needham's acknowledgement transmitting means with Siep's invention in order to use ACKs and NACKs in a broadcast data system utilizing an ARQ protocol.

Regarding claim 2, Siep teaches setting at least one of the plurality of slave stations into one of the first and second states in response to receiving a command transmitted by the master station (col. 6, lines 4-19).

Regarding claim 3, Siep teaches setting the one of the plurality of slave stations having the lowest quality radio communication with the master station to be the only one of the plurality of slave stations in the first state (col. 6, lines 40-55)

Regarding claim 6, Siep teaches means for setting the slave station into the first state is responsive to receiving a first command and the means for setting the slave station into the second state is responsive to receiving a second command, the first and second commands being transmitted by the master station (col. 6, lines 4-19 & 40-65).

Regarding claim 7, Siep teaches the master station has means for assessing the quality of radio communication with each slave station, and the only one of the plurality of slave stations in the first state is a slave station having the lowest quality radio communication with the master station (col. 6, lines 4-19 & 40-65).

Regarding claim 15, Siep teaches means for setting the slave station into the first state is responsive to receiving a first command and the means for setting the slave station into the second state is responsive to receiving a second command (col. 6, lines 4-19 & 40-65).

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Regarding claim 20, Siep teaches an integrated circuit comprising the slave station (see abstract).

Allowable Subject Matter

Claims 4, 8, 9, 13, 16, 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 4, 8, 9, 13, 16, 17 and 19, the prior art of record fails to specifically disclose adjusting the transmitted power level of at least one of the plurality of slave stations in response to a command transmitted by the master station.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2003/0186715 Transferring multiple data units over a wireless communication link.

US 2003/0143953 Method of increasing the data throughput in a communication system.

US 2002/0034959 Method of, and signalling system for, transferring data.

US 6,257,500 Window and lens glass cleaning system for a motor vehicle.

US 6,016,567 Radio broadcast system with improved reception of an NAK code.

US 5,923,662 Communication system message acknowledgement.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Edan Orgad



11/12/03


NAY MAUNG
SUPERVISORY PATENT EXAMINER